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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,663	12/08/2000	Tamer Uluakar	00,259	2854

7590 06/30/2004

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EXAMINER

CURCIO, JAMES A F

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,663

Applicant(s)


ULUAKAR ET AL.

Examiner

James Curcio

Art Unit

2132



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-43 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

2. Misnumbered claim 38 (second instance) has been renumbered 43 for the purpose of this action.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1, 4-10, 21-25, 30-37, and 43, without proper correction, will be rejected in the next office action under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There are several points of ambiguity in the above noted claims. A few examples follow though this list is not exhaustive.

5. Claim 1 recites the limitation "the components" in step d. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 1 also recites the limitation "the data" in step d. This limitation is indefinite because either "the data" in step d refers to "the data" described in the preamble, which is stored, accessed, processed, and outputted, or it refers to the "business data" in step a. Examiner suggests adding an adjective before "data" in "the data" of the preamble and step d to make the antecedent of "the data" in step d definite.

Art Unit: 2132

7. Claim 4 recites the limitations "data", "the data", "business data", and "the business data." These limitations are indefinite and ambiguous because "business data" can be interpreted in four different ways with respect to "data": "business data" is the same as "data", "business data" is a part of "data", "business data" is distinct from "data", or "business data" is mutually exclusive from "the data."

8. Claim 21 recites the limitations "a component" and "a plurality of components." "A plurality of components" is indefinite because it is unclear whether or not "a component" is a part of "a plurality of components."

9. Claim 22 recites the limitation "providing a plurality of components" twice. This limitation is indefinite because it is unclear whether there are two pluralities of components provided or just one plurality of components. If there are two pluralities of components, they must be particularly pointed out. Examiner suggests removing the second limitation if only one plurality of components is intended and distinguishing the two pluralities of components with "first" and "second" if two pluralities of components are intended.

10. Claim 22 recites the limitations "a hub" and "one or more hubs." "One or more hubs" is indefinite because it is unclear whether or not "a hub" is a part of "one or more hubs."

11. Claim 25 recites the limitations "some components" and "other components." These limitations are indefinite as to whether "a component", first "plurality of components", and/or second "plurality of components" are included in whole or in part in either "some components" or "other components" or both. The features "some

Art Unit: 2132

components" and "other components" must be particularly pointed out and distinctly claimed.

12. Claim 30 recites the limitation "data" twice without including the word "said" or "the" in the second instance. The second instance of the limitation "data" is indefinite because it either refers to the first instance or is a new limitation. Examiner suggests the addition of "second" or "another" before "data" in the first case and suggests adding "the" or "said" before "data" in the second case.

Election/Restrictions

13. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10 and 30-40 and 43, drawn to a method of component-based development for producing a computer software application, classified in class 717, subclass 107.
- II. Claim 11-29 and 41-42, drawn to performing computer-based system development using only data from a known project or legacy systems, classified in class 717, subclass 101.

14. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as managing computer-based system development particularly involving legacy or already-known systems rather than containing a complete life-cycle component-based

Art Unit: 2132

systems development process for producing a computer software application. See MPEP § 806.05(d).

15. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

16. Because these inventions are distinct for the reasons given above and the search required for Group II is not required for Group I, restriction for examination purposes as indicated is proper.

17. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

18. A telephone call was made to Jennifer Hammond on June 14, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Curcio whose telephone number is 703-305-8887. The examiner can normally be reached on Tuesday to Friday from 7 am to 5 pm.

Art Unit: 2132

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on Tuesday through Thursday and on alternate Mondays from 7:30 am to 4:30 pm at 703-305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JC
AU 2122
June 24, 2004



TUAN DAM
SUPERVISORY PATENT EXAMINER